

## DETAILED ACTION

### *Response to Amendment*

1. Claims 12-15 have been cancelled and Claims 16-18 have been added; therefore, Claims 1-11 and 16-18 are currently pending in application 10/595,547.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-11 are rejected under 35 U.S.C. 101 because the independent claims fails to meet the machine-or-transformation test, and therefore, fails to satisfy § 101 requirements.**
4. The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See Benson, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by Benson and discussed below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. See Benson, 409 U.S. at 71-72. Second, **the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-**

**solution activity (i.e. saving data in a database and displaying data from a database).**

**See Flook, 437 U.S. at 590.**

5. Therefore, because the applicable test to determine whether a claim is drawn to a patent-eligible process under § 101 is the machine-or-transformation test set forth by the Supreme Court and clarified herein, and independent Claim 1 plainly fails that test, the claims are rejected.

6. Claims 2-11 depend from Claim 1 and do not cure the deficiencies set forth above.

Therefore, Claims 2-6 are also rejected as being directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 2, 5-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Crane (US 2003/0220980 A1).**

9. As per **independent Claims 1 and 16**, Crane discloses a computer implemented method, comprising: operating an online dating service; inputting to at least one server associated with the online dating service first profile data related to a first user of the online dating service and second profile data related to a second user of the online dating service

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(Fig.3, Establishing Profiles); providing a mechanism by which the first user and the second user communicate online with one another (Fig.5, contact); providing a storage mechanism by which the first user and the second user can store value; and transferring value from the first user to the second user (Fig.5, Send e-gift).

10. As per Claim 2, Crane discloses wherein the first and second users are both online when the value is transferred from one user to the other (Fig.5, both users is a probability).

11. As per Claim 5, Crane discloses wherein the value transferred is monetary value (Fig.5, e-gift).

12. As per Claim 6, Crane discloses wherein the transfer of value is represented in the online dating service as a virtual version of real life transaction (Fig.5).

13. As per Claim 7, Crane discloses wherein the first and second users can choose the amount of value to be transferred (Fig.5, e-gift).

14. As per Claim 8, Crane discloses wherein the online dating service provides each of the first and second users with an online account in which their respective balance is held, the transfer of value being effected by a transfer from one user's account to another's (Fig.5, e-gift).

15. As per Claim 9, Crane discloses wherein each of the first and second users can add credit to their account or withdraw value from their account (Fig.5, e-gift).

16. As per Claim 10, Crane discloses wherein value is withdrawn in the form of non-monetary vouchers (Fig.5).

17. As per Claim 17, Crane discloses a plurality of server components which are combined in a single application (Figs.1-2).

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18. As per Claim 18, Crane discloses wherein the server components are located at a single server device (Figs.1-2).

***Claim Objections***

19. Claims 3-4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims – and the 101 rejection issues are overcome by the Applicant.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
21. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for

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the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 12, 2010

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629